

## **REMARKS**

### **I. Introduction**

Claims 8-26 are pending in the present application. Claims 8-26 were rejected. Claims 8 and 12-14 have been amended. In view of the forgoing amendments and following remarks, it is respectfully submitted that claims 8-26 are allowable, and reconsideration is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the acknowledgment that all certified copies of the priority documents have been received.

### **II. Claim Objection**

The Examiner objected to claims 10, 14, 16, 20, and 25 due to lack of antecedent basis for the phrase "the figure (2)." In response, Applicants have amended claim 8, from which claims 10, 14, 16, 20, and 25 depend, to provide antecedent basis for "the figure (2)," thereby overcoming the objection.

### **III. Rejection of Claims 8, 10, 12, 14, 16, 17, and 23 under 35 U.S.C. § 102(b)**

Claims 8, 10, 12, 14, 16, 17, and 23 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,908,611 ("Iino"). Applicants respectfully submit that this rejection should be withdrawn for at least the following reasons.

As regards the anticipation rejection of the claims, to reject a claim under 35 U.S.C. § 102(b), the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. (See Scripps Clinic & Research Foundation v. Genentech, Inc., 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed subject matter. (See Akzo, N.V. v. U.S.I.T.C., 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)). To the extent that the Examiner may be relying on the doctrine of inherent disclosure, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art." (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461,

1464 (Bd. Pat. App. & Int'f. 1990)). Thus, the M.P.E.P. and the case law make clear that simply because a certain result or characteristic may occur in the prior art does not establish the inherence of that result or characteristic.

Amended claim 8 recites a “device configured to **project an image of a passenger figure (2) in a passenger space** of a vehicle (1), wherein the device is further configured to provide **acoustic information to the driver** of the vehicle from an acoustic sound source, and wherein **the acoustic sound source is associated with the projected image of the passenger figure in the passenger space.**” Iino clearly does not disclose or suggest anything related to a device configured to **project an image of a passenger figure in a passenger space**. In addition, Iino has nothing to do with providing **acoustic information to the driver** of the vehicle from an acoustic sound source, which “**acoustic sound source is associated with the projected image of the passenger figure in the passenger space.**” Iino merely discusses display units 2 and 3 which reflect display images (containing “vehicle information” generated by sensors 24 or TV signals received by TV receiver 25) from the CRT 11 to a viewer. (Col. 3, l. 47 – col. 4, l. 23).

For at least the foregoing reasons, it is respectfully submitted that Iino does not anticipate claim 8 or its dependent claims 10, 12, 14, 16, 17, and 23.

#### **IV. Rejection of Claims 9, 11, 13, 15, 18-22, and 24-26 under 35 U.S.C. § 103(a)**

Claims 9, 11, 13, 15, 18-22, and 24-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 4,908,611 (“Iino”) in view of U.S. Patent No. 6,236,968 (“Kanevsky”). Applicants respectfully submit that this rejection should be withdrawn for at least the following reasons.

In order for a claim to be rejected for obviousness under 35 U.S.C. § 103(a), not only must the prior art teach or suggest each element of the claim, but the prior art must also suggest combining the elements in the manner contemplated by the claim. See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990). The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. M.P.E.P. §2142. To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally

available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. To the extent that the Examiner may be relying on the doctrine of inherent disclosure for the obviousness rejection, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)). Applicants respectfully submit that the criteria for obviousness have not been satisfied by the Examiner.

Claims 9, 11, 13, 15, 18-22, and 24-26 all ultimately depend on claim 8. As explained above, Iino does not teach or suggest all of the features of independent claim 8, i.e., Iino clearly does not disclose or suggest anything related to a device configured to **project an image of a passenger figure in a passenger space**, and Iino has nothing to do with providing **acoustic information to the driver** of the vehicle from an acoustic sound source, which “**acoustic sound source is associated with the projected image of the passenger figure in the passenger space.**” Similarly, Kanevsky clearly does not teach or suggest anything related to a device configured to **project an image of a passenger figure in a passenger space**. Accordingly, even if one assumed for the sake of argument that there was some motivation to combine the teachings of Kanevsky with the teachings of Iino (with which assumption Applicants do not agree), the overall teachings of Iino and Kanevsky would not suggest **projecting an image of a passenger figure in a passenger space**, let alone providing **acoustic information to the driver** of the vehicle from an acoustic sound source which is **associated with the projected image of the passenger figure in the passenger space**.

For at least the foregoing reasons, it is respectfully submitted that the asserted combination of Iino and Kanevsky does not render obvious claims 9, 11, 13, 15, 18-22, and 24-26 which ultimately depend from claim 8.

V. **CONCLUSION**

In view of all of the above, it is respectfully submitted that all of the presently pending claims 8-26 are in allowable condition. Prompt reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,



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